| | Application No. | Applicant(s) |
| --- | --- | --- |
| **Notice of Allowability** | 09/941,046 | EITEL ET AL. |
| | Examiner | Art Unit | |
| | Susanna M. Diaz | 3694 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the Examiner's Amendment agreed to on May 25, 2007*.

2. ☒ The allowed claim(s) is/are *1-4,6,8-17,19-31 and 33-41*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All    b) ☐ Some*    c) ☐ None  of the:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the
        International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
        Paper No./Mail Date _____ .

  **Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
    Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
    of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
    Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

SUSANNA M. DIAZ
PRIMARY EXAMINER

AU 3694

## EXAMINER'S AMENDMENT

1.      An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with James A. Scheer (Reg. No. 29,434) on May 25, 2007.

*Please cancel claims 5, 7, 18, and 32.*

*Please amend claims 1, 6, 14, 19, 27, 28, 33, and 41 as follows:*

Claim 1.(Currently Amended)  A method of maintaining and improving a performance

level of an agent performing a plurality of tasks, such method comprising the steps of:

providing a performance threshold for each task of the plurality of tasks;

electronically monitoring at least ~~one~~ some of the plurality of agent tasks to

measure a performance parameter_s_ of the agent in completing ~~the at least one~~

successive tasks of the plurality of tasks including the tasks of reciting information

from at least some screens of a predetermined progression of screens:

automatically adjusting a respective performance threshold in response to a

change in a parameter related to ~~the~~ at least one of the successive tasks ~~task~~; and

generating a notification of the need for training the agent when the measured

performance parameter_s_ of the agent in performing ~~a task~~ the successive tasks

exceeds the respective performance threshold~~s~~ of the <u>successive</u> task~~s~~ ~~for the at least~~ ~~one task~~ of the plurality of tasks.

Claim 6. (Currently Amended)  The method of maintaining and improving a performance level of an agent as in claim ~~5~~ <u>1</u> wherein the measured parameter further comprises detected errors in the recited information of the at least some screens.

Claim 14. (Currently Amended)  An apparatus for maintaining and improving a performance level of an agent performing a plurality of tasks, such apparatus comprising:

      a performance threshold for each task of the plurality of tasks;

      means for monitoring at least ~~one~~ <u>some</u> of the plurality of agent tasks to measure ~~a~~ performance parameter<u>s</u> of the agent in completing ~~the at least one~~ <u>successive tasks</u> of the plurality of tasks <u>including the tasks of reciting information from</u> <u>at least some screens of a predetermined progression of screens</u>;

      means for automatically adjusting a respective performance threshold in response to a change in a parameter related to ~~the~~ at least one <u>of the successive</u> task<u>s</u>; and

      means for notifying a supervisor when the measured performance parameter<u>s</u> of the agent in performing ~~a task~~ <u>the successive tasks</u> exceeds the respective performance threshold<u>s</u> of the <u>successive</u> task<u>s</u> ~~for the at least one task~~ of the plurality of tasks.

Claim 19. (Currently Amended)  The apparatus for maintaining and improving a performance level of an agent as in claim ~~18~~ <u>14</u> wherein the means for measuring a performance parameter further comprises means for detecting errors in the recited information of the at least some screens.

Claim 27. (Currently Amended)  An apparatus for maintaining and improving a performance level of a plurality of agents performing a plurality of tasks, such apparatus comprising:

a performance threshold for each task of the plurality of tasks;

means for monitoring at least ~~one~~ some of the plurality of agent tasks to measure a performance parameters of each agent of the plurality of agents in completing ~~the at least one~~ successive tasks of the plurality of tasks including the task of reciting information from at least some screens of a predetermined progression of screens;

means for automatically adjusting the respective performance threshold in response to a change in parameter related to ~~the~~ at least one of the successive ~~task~~ tasks;

means for notifying a supervisor when the measured performance parameters of any agent of the plurality of agents in performing ~~a task~~ the successive tasks exceeds the respective performance thresholds of the ~~task~~ successive tasks ~~for the at least one task~~ of the plurality of tasks; and

means for sorting the notifications to the supervisor based upon a relative magnitude by which the measured performance parameters exceeded the performance thresholds.

Claim 28. (Currently Amended)  An apparatus for maintaining and improving a performance level of an agent performing a plurality of tasks, such apparatus comprising:

a performance threshold for each task of the plurality of tasks;

a performance processor adapted to monitor at least ~~one~~ some of the plurality of agent tasks to measure a performance parameters of the agent in completing ~~the at least one~~ successive tasks of the plurality of tasks including the tasks of reciting information from at least some screens of a predetermined progression of screens and adapted to automatically adjust a respective performance threshold ~~of the at least one task~~ in response to a change in a parameter related to ~~the~~ at least one task; and

a display adapted to notify a supervisor when the measured performance parameters of the agent in performing a task the successive tasks exceeds the respective performance thresholds of the successive tasks for the at least one task of the plurality of tasks.

Claim 33. (Currently Amended)  The apparatus for maintaining and improving a performance level of an agent as in claim 32 28 wherein the means performance processor for measuring a performance parameter further comprises word recognition software adapted to detect errors in the recited information of the at least some screens.

Claim 41. (Currently Amended)  An apparatus for maintaining and improving a performance level of a plurality of agents performing a plurality of tasks, such apparatus comprising:

a performance threshold for each task of the plurality of tasks;

a performance processor adapted to monitor at least one some of the plurality of agent tasks to measure a performance parameters of each agent of the plurality of agents in completing the at least one successive tasks of the plurality of tasks including the tasks of reciting information from at least some screens of a predetermined progression of screens and adapted to automatically adjust the respective performance threshold of the at least one task in response to a change in parameter related to the at least one task;

a display adapted to notify a supervisor when the measured performance parameters of any agent of the plurality of agents in performing a task the successive tasks exceeds the respective performance thresholds of the successive tasks for the at least one task of the plurality of tasks; and

a sorting processor adapted to sort the notifications to the supervisor based upon a relative magnitude by which the measured performance parameters exceeded the performance thresholds.

### Reasons for Allowance

2.      Claims 1-4, 6, 8-17, 19-31, and 33-41 are allowed.

3.      The following is an examiner's statement of reasons for allowance:

Stuart (US 2001/0032120) discloses a call agent productivity assessment

method and system that notify a supervisor when a call agent's performance has not

met required thresholds.  However, Stuart does not disclose that the monitored tasks

include tasks of reciting information from at least some screens of a predetermined

progression of screens nor that a notification is generated when the measured

performance parameters of the agent in performing successive tasks exceeds the

respective performance thresholds of the successive tasks of the plurality of tasks.

While each feature is individually old and well-known, the Examiner submits that the

combination of all of these features into one coherent method and apparatus would not

have been obvious in light of the prior art of record.  Since this combination of features

is recited in claims 1-4, 6, 8-17, 19-31, and 33-41, claims 1-4, 6, 8-17, 19-31, and 33-41

are allowed.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee.  Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

## *Conclusion*

4.      The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

The following references disclose call center monitoring systems/methods:

Heller et al. (U.S. Patent No. 7,110,525)
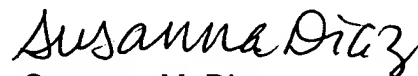
Elazar (U.S. Patent No. 6,542,602)

Eilbacher et al. (U.S. Patent No. 6,959,078)

5.      Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-
6733.  The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, James Trammell can be reached on (571) 272-6712.  The fax phone
number for the organization where this application or proceeding is assigned is 571-
273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Susanna Diaz*

Susanna M. Diaz
Primary Examiner
Art Unit 3694

May 25, 2007